351

LABOUR DEPARTMENT.

L.S. 3634—L.W. 172-52-14, dated Bangalore, 4th October, 1952.

Labour Disputes—Dispute between Workers and Management of Messrs. K. H. Shama Rao & Sons, Bangalore—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter dated 12—16th September 1952, from Sri B. R. Ramalingaiah, Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday the 30th of August 1952.

Present.

Sri B. R. Ramalingaiah, M.A., B.L.	...	*Chairman.*
Sri Mahmood Sheriff, B.A., LL.B.	...	*Member.*
Sri K. Shamarajaiyengar, B.A.	...	*Member.*

I.C. 17—51-52.

INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENTS AND THE EMPLOYEES OF MESSRS. K. H. SHAMA RAO & SONS., BANGALORE.

ORDER.

Complaint No. 1—52-53.

This is a complaint filed by the complainant Govindaraj, Token No. 401 during the pendency of the industrial dispute case No. I.C. 17—51-52, under Section 33 (a) of the Industrial Disputes Act, praying that the Tribunal may be pleased to pass an award directing the Respondents (Managements) to refund the sum of Rs. 1-8-0, being the aggregate amount of fines at the rate of Re. 0-8-0 imposed on him on each of the three dates 4th March 1952, 10th March 1952 and 12th March 1952 on the ground that, as the Respondents (Managements) have not sought the permission of the Tribunal under Section 33 of the Industrial Disputes Act while the proceedings in the said Industrial Disputes Case were pending, the levy of fine is illegal. The Respondent (Management) admits having fined the complainant on those days as alleged, without the permission of this Tribunal.

In the course of his arguments the learned counsel for the Management conceded that the Management has contravened Section 33 in imposing the fines on the complainant without the prior written permission of this Tribunal and submitted that the Management would refund the fines imposed on the complainant. In the result, we allow the complaint and direct the Respondent (Management) to refund to the complainant the sum of Rs. 1-8-0 being the aggregate sum of fines imposed on him. We make no orders to the costs of the complaint. The Award will be submitted to Government for publication in the official Gazette.

Complaint No. 3—52-53.

This is a complaint under Section 33 (a) of the Industrial Disputes Act, 1947, filed by the complainant Abdul Gani, Token No 390, against the Respondent (Management: Messrs. K. H. Shama Rao & Sons, Bangalore), praying that the Tribunal may be pleased to pass an award directing the Respondent (Management) to refund the sum of Re. 0–8–0 being the fine which the Respondent (Management) had illegally imposed on him on 18th February 1952 during the pendency of the industrial dispute case, without obtaining the prior written permission of the Tribunal under Section 33 of the Industrial Disputes Act, 1947 and hence has contravened the provisions of the said Section. The Respondent (Management) admits in its objection statement having imposed the fine on the complainant without the express permission in writing of this Tribunal. In the course of his arguments the learned counsel for the Respondent submitted that the Management has contravened the provisions of Section 33 of the Industrial Disputes Act by imposing the fine without obtaining the written permission of the Tribunal and that the Management is prepared to refund the said amount to the complainant.

In the result we allow the complaint, and direct the Respondent to refund to the complainant the said sum of Re. 0-8–0 being the fine illegally levied on him. We make no orders to the cost of the application. The award will be submitted to the Government for publication in the official Gazette.

Complaint No. 5—52-53.

This is a complaint filed under Section 33 (a) of the Industrial Disputes Act, 1947, by the complainant Muniswamy, Token No. 562, against the Respondent (Management: Messrs. K. H. Shama Rao & Sons, Bangalore), under Section 33 (a) of the Industrial Disputes Act, 1947, praying that the Tribunal may be pleased to pass an award directing the Respondent (Management) to refund the sum of Re. 0–8–0 being the fine imposed on him on 30th January 1952 without obtaining the prior permission of the Tribunal under Section 33 of the Industrial Disputes Act, as the levy of the said fine in contravention of Section 33 of the said Act during the pendency of the dispute is illegal.

The Respondent (Managmen:) has in its objection statement expressed regret for having imposed the said fine on the complainant without taking the prior written permission of the Tribunal. In the course of arguments, the learned counsel for the Management (Respondent) submitted that the Management has contravened the provisions of section 33 of the Industrial Disputes Act by imposing the fine without obtaining the prior written permission of the Tribunal, and that hence the Management is prepared to refund the said fine imposed, to the complanant. In the result, for the reasons stated above, we allow the complaint and direct the Management to refund the said amount to the complainant. We make no orders to the cost of the application. The award will be submitted to the Government for publication in the official Gazette.

B. R. RAMALINGAIAH,
Chairman.

MAHMOOD SHERIFF,
Member.

K. SHAMARAJA IYENGAR,
Member.

357

ORDER No. L.S. 3634—L.W. 172-52-14, DATED BANGALORE, THE 4TH OCTOBER 1952.

WHEREAS under Section 33 (a) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Govindaraj, Token No. 401 and two other Workers of Messrs. K. H. Shama Rao & Sons, Bangalore, to the Industrial Tribunal, Bangalore, that the Management of Messrs. K. H. Shama Rao & Sons, has during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby direct that the said Award, as above, be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.